



CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
WALLACE J. PUCHALSKI MUNICIPAL BUILDING
212 MAIN STREET, NORTHAMPTON
Northampton, MA

Roll Call

A regular meeting of the City Council was called to order by City Council President Ryan R. O'Donnell. At 8:33 p.m. on a roll call the following City Councilors were present:

At-Large Councilor William H. Dwight	At-Large Councilor Ryan R. O'Donnell
Ward 1 Councilor Maureen T. Carney	Ward 2 Councilor Dennis P. Bidwell
Ward 3 Councilor James Nash	Ward 4 Councilor Gina-Louise Sciarra
Ward 5 Councilor David A. Murphy	Ward 6 Councilor Marianne L. LaBarge
Ward 7 Councilor Alisa F. Klein	

Announcement of Audio/Video Recording

Councilor O'Donnell announced that the meeting was being audio and video recorded for broadcast by Northampton Community Television.

Public Hearings

Public Hearings:

Announcement of Public Hearing to consider FY 2019 Water and Sewer Rates

Announcement of Public Hearing to consider FY 2019 Water and Sewer Rates
Councilor O'Donnell made the following announcement: By Order of the City Council, a Public Hearing will be held on Tuesday, March 27, 2018 @ 5 p.m. in City Council Chambers, 212 Main Street, Northampton, MA. The City Council Committee on Finance will consider the proposed FY2019 water and sewer rates and hear all persons who wish to be heard thereon.

Public Hearing 17.413 Petition to Install Under-ground Conduit, Holyoke Street

Public Hearing on 17.413 Petition to Install Underground Conduit on Holyoke Street

Councilor O'Donnell announced the commencement of a public hearing under M.G.L. Chapter 166, Section 22, on the petition of National Grid to install underground facilities under a public way on Holyoke Street, Petition #24019445.

Councilor Dwight moved to open the public hearing. Councilor LaBarge seconded. The motion passed unanimously 9:0 by voice vote.

National Grid representative Lisa Jasinski explained that the utility is seeking permission to install conduit and primary cable on Holyoke Street. The new line will go from pole #4 just beyond the railroad underpass on Holyoke Street to the new Valley CDC building at 256 Pleasant Street.

Councilor Nash asked if any existing poles are going to be removed.

There was a pole in what is to become the entryway to this new lot, and it is going to be permanently removed, Ms. Jasinski confirmed.

He had a request from the optical studio that the work be done on a weekend, if possible, Councilor Nash related. Ms. Jasinski said she would pass on that request. The new conduit to serve the Lumberyard will have three-phase service, she clarified. It is a dedicated line that will primarily address service to the Lumberyard, she confirmed.

Councilor Dwight moved to close the public hearing. Councilor Bidwell seconded. The motion passed unanimously 9:0 by voice vote.

Public Hearings to Consider the

Public Hearing to Consider the Laying Out of Garfield Avenue

Pursuant to M.G.L. Chapter 82, Section 21, the City Council held a public hearing to

**Laying Out of
King Street and
Garfield Avenue**

consider laying out the following private property to become a public way:
'Garfield Avenue Extension' - the portion of property consisting of 3,082.4 square feet +/- and shown on "Street Acceptance Plan of 'Garfield Avenue Extension'," prepared by The Berkshire Design Group, Inc. for The City of Northampton, Hampshire County dated March 29, 2017.

Councilor O'Donnell read the legal notice advertising the public hearing.

Councilor Dwight moved to open the hearing. Councilor Sciarra seconded. The motion passed unanimously 9:0 by voice vote.

Councilor O'Donnell asked if any member of the public wished to speak regarding the proposal.

Pioneer Valley Habitat for Humanity (Habitat) has built five homes on Garfield Avenue and is now accepting applications for the last home in the neighborhood, Habitat representative Amy Decenzo advised. The city has already invested Community Preservation Act (CPA) funds in this development, and proponents are very excited about reaching the end of this project, which has been many years in the making. Making this section of road a public way will be the last step to permanently include these homes in the neighborhood, she indicated.

On this issue of street acceptances, city officials have to consider the cost of services to the street, Councilor Dwight observed. As an extension of an existing road, it is his understanding that the city is not going to incur additional costs associated with Garfield Avenue extension's acceptance, he said.

Habitat for Humanity has been paying to plow the hundred linear feet for the last five years, Ms. Decenzo related. As an extension between an existing street and a city-owned conservation area, it will not actually cost the city any more to push the snow just a little further down the road, she suggested.

The neighborhood was a subdivision and so was built to city standards in effect at the time, Mr. Feiden confirmed. The city-owned property was donated to Pioneer Valley Habitat for Humanity for affordable housing with the understanding that it would come back to the city at some point, he said.

Councilor Klein moved to close the hearing. Councilor Bidwell seconded. The motion passed unanimously 9:0.

Public Hearing to Consider the Laying Out of King Street

Pursuant to M.G.L. Chapter 82, Section 21, the City Council held a public hearing to consider laying out the following private property to become a public way:

King Street - changing/widening the layout of King Street to include the following parcels::

- Parcels 1C and 1D as shown on a plan entitled "Plan of Land in Northampton Massachusetts Surveyed for Cosenzi Automotive Realty Limited Partnership and recorded in the Hampshire Registry of Deeds in Plan Book 228, Page 99. See also deed of Cosenzi Automotive Realty Limited Partnership to the City of Northampton recorded in said registry in Book 11577, Page 205.
- The easement conveyed by Colvest Northampton, LLC to the City of Northampton, dated January 21, 2014 and recorded in said registry in Book 11577, Page 208.

Councilor O'Donnell read aloud the Petition for King Street Acceptance.

Councilor LaBarge moved to open the hearing. Councilor Dwight seconded. The motion passed unanimously 9:0 by voice vote.

Half a dozen years ago, the city changed the zoning to require wider tree belts and sidewalks, Mr. Feiden presented. In order to comply with expanded requirements, the entities cited gave the city some interest in land. The city has obtained the easements,

but they have not yet technically become part of the street. The order does not change the ownership of the land, it just makes the sidewalks part of the street. It makes no change to the maintenance of the property. Property owners are responsible for snow removal and the city is responsible for capital improvements.

Andrew Smith of Ward 1 spoke generally in favor of the King Street improvements.

Councilor O'Donnell asked if there were any other comments. There being none, Councilor Bidwell moved to close the hearing. Councilor Dwight seconded. The motion passed unanimously 9:0 by voice vote.

Councilor O'Donnell moved up the order of the Consent Agenda since there were audience members present for some of its items.

Consent Agenda

Consent Agenda

Councilor O'Donnell reviewed the items on the consent agenda. He asked if anyone wished to remove an item for separate discussion. Councilor O'Donnell himself requested removal of the National Grid Pole Petition (Item A).

Councilor Dwight moved to approve the consent agenda. Councilor LaBarge seconded. The motion passed unanimously 9:0 by voice vote.

The following items were approved as part of the consent agenda:

A. 18.025 Appointments to Housing Partnership, License Commission and Trust Fund Committee - Positive Recommendation, City Services 3/5/2018

Housing Partnership

Julio Alves, 35 Fort Hill Terrace, Northampton

Term: January 2018-June 2021

(Replacing expired term of Patty McGill)

License Commission

Helen J Kahn, 188 Federal Street, Florence

Term: January 2018-June 2021

(Replacing term of Elaine Reall)

Trust Fund Committee

Gerald Budgar

Term: November 2017-June 2021

(Reappointment)

B. 18.071 Appointments to Disability Commission and Planning Board (Associate & Full Member) For Referral to City Services

Disability Commission

Emma Cornwell, 35 Holyoke Street, Northampton, MA 01060

Term: March 2018 - June 2019

(To replace the unexpired term of Ruth MCrath)

Planning Board

Janna White, 18 Hancock Street, Northampton, MA 01060

Term: March 2018 - June 2019

(As Associate Member to replace the unexpired term of Euripedes de Oliveira)

Euripedes de Oliveira, 9 Washington Place, Northampton, MA 01060

Term: March 2018 - June 2019

(As a Full Member to fill the unexpired term of Ann Dewitt Brooks)

Councilor Dwight moved to approve **17.413 National Grid Pole Petition - Holyoke Street, Underground (see documents above)**. Councilor Sciarra seconded. The motion passed 8:0 by roll call vote with one abstention (Councilor O'Donnell).

Updates from Council President & Committee Chairs

Updates from Council President & Committee Chairs

None

**Recognitions
and One-Minute
Announcements**

Recognitions and One-Minute Announcements

Councilor Bidwell announced a meeting of a new group called 'Northampton Connects.' Members will host a panel discussion on April 3, 2018 at 7 p.m. in the JFK Middle School community room regarding downtown Northampton issues. The project was initiated by a group of residents seeking to provide a forum to encourage community conversations, listening, mutual understanding and exploration of common ground among Northampton residents with varied experiences and points of view. All voices are welcome. Panelists include Peter Ives, Booker Bush, Pastor Steph Smith, Jonathan Goldman, Rabbi Justin David, Judy Harrold and Nancy Cowan.

Wednesday, March 21st is the 18th annual NEF spelling bee at JFK Middle School, Councilor Sciarra announced. Doors open at 5 o'clock and the spelling bee begins at 6.

Wednesday, March 28th, from 7 to 9 p.m., a gubernatorial candidates' forum will be held at the high school. The three Democratic gubernatorial candidates will be present and respond to questions from panelists, including Stan Moulton, Jennifer Taub of Vermont Law School and New England Public Radio host Kari Njiri. The forum will be moderated by former Northampton Mayor and Community Action Pioneer Valley Director Clare Higgins.

Saturday, April 7th at Smith Vocational High School from 1 to 4:30 p.m. is the 'Take Back the House' summit, Councilor Sciarra continued. Co-sponsored by at least ten progressive organizations and every Democratic city and town committee for miles around, this is an effort to activate, train and pair up volunteers with nearby campaigns with seats in play to offer assistance in the form of phone banking from campaign headquarters or organizing trips for canvassing to drivable locations and farther afield.

Councilor LaBarge announced that the Sojourner Truth School for Social Change and Leadership will be held in April, May and June of this year. All classes are free. Pre-registration is required. Participation is warmly welcomed. For more information, organizers are asking folks to go on line at www.truthschool.org.

**Communications
and Proclama-
tions from Mayor**

Communications and Proclamations From the Mayor:
None

Resolutions:

**18.031 Resolution
calling for
President Trump
and his
administration to
preserve DACA
and to extend
Temporary
Protected Status
(TPS) for all
nationals who
cannot safely
return to their
home countries -
2nd Reading**

Resolutions:

**18.031 Resolution calling for President Trump and his administration to preserve
DACA and to extend Temporary Protected Status (TPS) for all nationals who
cannot safely return to their home countries - 2nd Reading**

Councilor Dwight moved to approve the resolution. Councilor Nash seconded.

Councilor O'Donnell expressed his understanding that there have been a number of changes to the resolution as approved in first reading following its referral for amendment to the Community Services committee. He asked the sponsors to read the amended resolution as they would like it passed.

Sponsors introduced a resolution February 1st calling for the continued protection of people with Temporary Protected Status (TPS), Councilor Nash reminded. The resolution passed City Council in first reading with moving testimony provided. After that, there was a lot of communication between the sponsors and people most affected by the declaration. In conjunction with the Pioneer Valley Worker's Center (PVWC), sponsors redrafted the resolution to incorporate PVWC members' input. The revised document has a lot more detail and presents more substance than the original. He thanked fellow sponsors and Community Resources members for holding a meeting on short notice to make the changes and thanked Councilor Klein for adding citations.

Councilor Dwight moved to recognize a member of the public. Councilor LaBarge seconded. The motion passed unanimously 9:0 by voice vote.

Councilor Nash read the text of the resolution as it was simultaneously translated into Spanish by an interpreter.

Councilor Dwight pointed out that in the first three (3) "Now Therefore Be it Resolved" clauses the phrase "the Northampton City Council" was missing.

He proposed striking the word "urges" in the first two clauses and replacing it with the phrase, "the Northampton City Council calls upon" the DHS Secretary and, "the Northampton City Council calls upon" Congress, respectively. In the third clause, he proposed striking the word 'urges' and replacing it with the phrase, "the Northampton City Council calls upon" President Trump . . . Finally, he proposed inserting the words 'the Northampton City Council' before the words 'encourages Congress' in the fourth 'Be it Resolved' clause.

He offered the proposed changes in the form of a motion. Councilor LaBarge seconded. The motion to amend passed unanimously 9:0 by voice vote.

Councilor Nash moved to recognize Diana Sierra. Councilor Dwight seconded. The motion passed unanimously 9:0 by voice vote.

Ms. Sierra gave a Powerpoint presentation related to the resolution.

As one of the sponsors, Councilor Dwight expressed the opinion that immigrants were essentially 'duped.' They were invited to play by the rules and apply for TPS status with aspirational hopes of becoming citizens. As a result, folks signed up, identified themselves and essentially made themselves low-hanging fruit for the expression of a racist policy by a president who hasn't made even the slightest attempt to cover up his racist intent. He finds it particularly galling given the fact that most people in this room take citizenship for granted and these people actually aspire to that privilege. The rescission of these very rudimentary offsets is the most rank, cynical expression that this government has expressed, and silence would be complicity. He does not want to be complicit in that, Councilor Dwight stressed. He wants to honor the fact that these people want to be and **are** part of this community. "They are better citizens than I," he asserted. He couldn't let this pass without emphasizing its significance, he concluded.

Councilor LaBarge thanked Councilors Dwight and Nash and Jonathan Goldman. When Mr. Goldman sent e-mails regarding the issue she immediately contacted Councilor Dwight and Councilor Nash to see if they would like to be co-sponsors. She also thanked PVWC for coming in and working with them. President Trump is not her president, she stated. She has never seen anything in her life like what the president is doing to immigrants. The City of Northampton won't let that happen; "you're protected here," she assured. There's no way their parents will be taken away; not in this city, she asserted.

Councilor Dwight said he regretfully had to refute some of that. They don't have the authority to offer protection; what they are offering is essentially support, he clarified. "We cannot protect you; we don't have that authority," he explained ruefully. He didn't want that message transmitted as he thought it would be an unfair understanding. What they can promise is that, within their influence and authority, they will do everything in their power, which is very limited, to prevent the federal government from acting against them. These are expressions of intent and aspirations that are not law. They don't give them protection; what they do is give them solidarity, he affirmed.

In response to a question from Councilor LaBarge, Councilor O'Donnell clarified that Northampton's status as a sanctuary city refers to the policy adopted by the Mayor and Police Department to not cooperate with voluntary detainer requests from U.S. Immigration and Customs Enforcement (ICE). This is an administration at the federal level that clearly doesn't care very much about the constitution and democracy and doesn't realize that essential voices in that democracy are those heard tonight, he maintained.

As a result, they see the repeal of some of the very minimal protections that have been put in place. That is not something they can cure at the local level, he agreed.

Councilor Sciarra expressed appreciation for the comments heard. Councilor Carney thanked councilors who brought this forward for their work and voiced appreciation for all the personal experiences shared. Councilor Klein also thanked the sponsors and the PVWC for its ongoing work in the community.

Members collectively offered thanks to Diana Serra and those who shared their stories.

Councilor O'Donnell called the motion to approve the resolution as amended to a vote, and it passed 9:0 on a roll call. He announced that the resolution passed unanimously to general applause.

The following resolution passed second reading:

In the City Council, February 1, in the year of Two Thousand and Eighteen

Upon the recommendation of Councilor Marianne LaBarge, Councilor William H. Dwight, and Councilor James Nash

R-18.031

Resolution calling for President Trump and his administration to preserve DACA and to extend Temporary Protected Status (TPS) for all nationals who cannot safely return to their home countries.

WHEREAS: Northampton is a Sanctuary City and we maintain a long and proud history as a community that supports, values, and respects immigrants, regardless of their status of documentation, and we embrace refugees escaping war and natural disasters¹; and

WHEREAS: Temporary Protected Status (TPS) is an immigration status that has been granted sparingly over the last three decades and only in situations in which natural disasters or widespread armed conflict in a given country has posed grave danger to the public²; and

WHEREAS: when a country is designated for TPS, its nationals who were in the U.S. on the designation date may remain here legally with employment authorization if they pay a fee, pass a criminal background check, pay taxes, and meet other requirements, but TPS status does not confer a right to permanent residency or citizenship³; and

WHEREAS: there currently are 10 TPS designated countries, which are El Salvador, Haiti, Honduras, Nepal, Nicaragua, Somalia, South Sudan, Sudan, Syria, and Yemen, and about 400,000 people from these countries have lawful TPS status⁴; and

WHEREAS: the Trump Administration ended TPS for Nicaraguans and Salvadorans on November 20, 2017 and January 8, 2018, respectively, and the administration deferred a decision on Honduras, suggesting that it too would be cancelled; and

WHEREAS: TPS holders will face severe hardship and even death in their countries of origin due to crime and a lack of access to adequate jobs, healthcare, and education; and

¹ See Northampton City Council resolutions "Resolution Calling for the Welcoming of Refugees in the City of Northampton" <http://www.northamptonma.gov/DocumentCenter/View/6743>; "A Resolution in Support of an Act to Protect the Civil Rights and Safety of All MA Residents" <http://www.northamptonma.gov/DocumentCenter/View/8551>; and "Resolution Condemning President Trump's Executive Order 'Protecting the Nation from Foreign Terrorist Entry into the U.S.'" <http://www.northamptonma.gov/DocumentCenter/View/7019>.

² The office of U.S. Senator Kristen Gillibrand (2017, July 19). Gillibrand & Menendez, With 24 Senate Colleagues, Urge U.S. Dept. of State and U.S. Dept. of Homeland Security to Extend Temporary Protected Status For Individuals From 10 TPS-Designated Countries [Press Release]. Retrieved from <https://www.gillibrand.senate.gov/news/press/release/gillibrand-and-menendez-with-24-senate-colleagues-urge-us-dept-of-state-and-us-dept-of-homeland-security-to-extend-temporary-protected-status-for-individuals-from-10-tps-designated-countries>

³ American Immigration Council. *Temporary Protected Status: An Overview*. (2017, August 24). Retrieved from

<https://www.americanimmigrationcouncil.org/research/temporary-protected-status-overview>.

⁴ *Ibid.*

WHEREAS: in the Commonwealth of Massachusetts, there are more than 12,000 TPS recipients, including 7,800 people from El Salvador, Honduras, and Haiti³; and

WHEREAS: in the Commonwealth of Massachusetts, Salvadoran and Haitian TPS holders respectively have lived in the United States for an average of 22 and 15 years, respectively; and

WHEREAS: it is a universal human right for families to remain united without fear of separation, and TPS keeps families together, safe, and productive; and

WHEREAS: in the Commonwealth of Massachusetts, 5,300 U.S.-born children have parents from El Salvador, Honduras, and Haiti who have TPS⁴; and

WHEREAS: large numbers of TPS recipients have worked long enough for their current employers to have developed specialized skills and attachments that would be hard to replace, resulting in nearly a billion dollars in turnover costs and cost about \$45 billion in GDP over the decade⁵; and

WHEREAS: about 1 in 3 TPS holders owe mortgages that would be in danger of foreclosure if TPS were ended⁶; and

WHEREAS: \$645.8 million would be lost annually from the Massachusetts GDP without TPS holders from El Salvador, Honduras, and Haiti¹⁰; and

WHEREAS: the deportation of all undocumented immigrants from Massachusetts would result in a loss of \$9 billion or 2% of our Commonwealth's GDP, and about 55,000 jobs¹¹ and

WHEREAS: in 2012, President Obama issued an Executive Order to create a program known as Deferred Action for Childhood Arrivals (DACA); it gave undocumented youth whose parents had brought them to the United States as a child and before their sixteenth birthday the ability to live, work, and study in the United States for a period of two years, subject to renewal; and

³ WBUR Radio. *Data Show More than 12,000 Immigrants in MA Have Temporary Status*. (2017, November 9). Retrieved from <http://www.wbur.org/news/2017/11/09/temporary-status-data-update>

⁴ Center for American Progress. *TPS Holders Are Integral Members of the U.S. Economy and Society*. (2017, October 20). Retrieved from <https://www.americanprogress.org/issues/immigration/news/2017/10/20/440400/tps-holders-are-integral-members-of-the-u-s-economy-and-society/>

⁵ Center for American Progress. *TPS Holders in MA*. Retrieved from https://cdn.americanprogress.org/content/uploads/2017/10/19130146/101717_TPSFactsheet-MA.pdf

⁶ Baran, A, Magana-Salgado, J., & Wong, T. (2017, April.) *Economic Contributions by Salvadoran, Honduran, and Haitian TPS Holders: The Cost to Taxpayers, GDP, and Businesses of Ending TPS*. San Francisco, CA: Immigrant Legal Resource Center. Retrieved from https://www.ilrc.org/sites/default/files/resources/2017-04-18_economic_contributions_by_salvadoran_honduran_and_haitian_tps_holders.pdf

⁷ Center for American Progress. *TPS Holders Are Integral Members of the U.S. Economy and Society*. (2017, October 20). Retrieved from <https://www.americanprogress.org/issues/immigration/news/2017/10/20/440400/tps-holders-are-integral-members-of-the-u-s-economy-and-society/>

¹⁰ Center for American Progress. *TPS Holders in MA*. Retrieved from https://cdn.americanprogress.org/content/uploads/2017/10/19130146/101717_TPSFactsheet-MA.pdf

¹¹ Massachusetts Immigrant and Refugee Advocacy Coalition (2017, April 5). *Immigrants' Day at the State House* [Briefing Booklet]. Retrieved from <https://www.miracoalition.org/images/Documents/IDSH-Group-Packet-2017.pdf>

WHEREAS: DACA has protected nearly 800,000 people, including over 8,000 in Massachusetts¹²; and

WHEREAS: President Trump announced a rescission of DACA but has allowed for a six-month window during which Congress can pass new legislation to protect those who rely on the program; and

WHEREAS: ending DACA would cost Massachusetts nearly \$606.6 million in annual GDP losses¹³; and

WHEREAS: all students in Northampton have a right to attend public schools regardless of their immigration status and the Northampton School District has invested valuable resources in our Commonwealth's DACA recipients, and they in turn have responded by successfully continuing their education and by making important contributions to the workforce and to society; and

WHEREAS: almost 90 percent of DACA recipients are currently working, and if DACA were to be ended, about 650,000 workers would be removed from the U.S. economy, at a cost of over \$433 billion in lost GDP over the next decade¹⁴; and

WHEREAS: ending TPS and DACA would cause enormous and unnecessary hardship to themselves, the schools they attend, the families they support, the businesses where they work, and the neighborhoods where they own homes; and

WHEREAS: the Trump Administration can improve our security, our economy, and our communities by extending TPS, and Congress can do the same by enacting legislation that would permit current TPS and DACA recipients to remain; and

WHEREAS: approximately 11 million undocumented immigrants reside in the United States and are valuable members of our community; and

WHEREAS: the United States government must assume responsibility for its economic and military policies that have produced poverty and violence abroad, thus forcing people to migrate and navigate an immigration system that is designed to keep the majority of people undocumented or living with a precarious legal status; and

WHEREAS: Salvadorans migrated to the United States to flee a US-financed civil war in the 1980s that led to the deaths of 75,000 people; and

¹² Crimaldi, Laura, "MA joins other states in suing Trump administration over DACA," *Boston Globe* (September 6, 2017). Retrieved from <https://www.bostonglobe.com/metro/2017/09/06/massachusetts-joins-other-states-suing-trump-administration-over-daca/u2piYDWB8QJMEiOc4XC5fP/story.html>

¹³ Interfaith Worker Justice, *Massachusetts and DACA: The Facts*. Retrieved from

http://files.www.iwj.org/resources/state-by-state-daca-fact-sheets/DACA_Fact_Sheets/Massachusetts_DACA.pdf

¹⁴ Wong, T., Rosas, G., Manning, H., Reyna, A., O'Shea, P., et al. *DACA Recipients' Economic and Educational Gains Continue to Grow* (2017, August 28). Center for American Progress. Retrieved <https://www.americanprogress.org/issues/immigration/news/2017/08/28/437956/daca-recipients-economic-educational-gains-continue-grow/>

WHEREAS: the United Nations Truth Commission documented how US-financed and trained military officials in El Salvador committed 85% of human rights abuses, including murder and torture¹⁵; and

WHEREAS: Hondurans have recently migrated to the United States to flee the 2009 US-backed military coup that resulted in the ouster of a democratically elected president and high rates of violence; and

WHEREAS, the Northampton City Council believes that each resident of our City, regardless of immigration status, deserves to be treated with respect and dignity, and that each DACA and TPS recipient, and undocumented person should be allowed to fulfill their dreams in the only country they call home, the United States of America.

NOW THEREFORE BE IT RESOLVED: the Northampton City Council calls upon the DHS Secretary to promptly extend the TPS designations for all 10 current TPS countries by 18 months, the maximum amount of time permitted by the TPS statute and regulations; and

BE IT FURTHER RESOLVED: the Northampton City Council calls upon Congress to pass legislation that preserves the ability of all current TPS holders to continue living and working legally in the United States.

BE IT FURTHER RESOLVED: the Northampton City Council calls upon President Trump and his administration to preserve the DACA program and urges members of Congress, including our own Senators and Representatives, to take bipartisan action to pass legislation that provides DACA recipients the promised citizenship they deserve and end the uncertainty they face. We urge that the legislation be passed without any additional conditions, whether it be additional funding for border security or measures that would heighten the risk of deportation of other immigrant groups.

BE IT FURTHER RESOLVED: the Northampton City Council encourages Congress to seek and consider a solution that grants permanent status and a pathway to citizenship to the broadest group of immigrants possible, including undocumented immigrants without DACA and TPS.

AND BE IT FURTHER RESOLVED: That the City Council's Administrative Assistant forward a suitably engrossed copy of this resolution to President Donald Trump, Homeland Security Secretary Kirstjen Nielsen, Congressman James McGovern and Massachusetts Senators Edward Markey and Elizabeth Warren on behalf of Northampton City Council.

¹⁵ United States Institute of Peace (1992, July 1). *Truth Commission: El Salvador*. Retrieved <https://www.usip.org/publications/1992/07/truth-commission-el-salvador>

Rules suspended, passed two readings and enrolled.

18.055 Resolution to Adopt the Capital Improvement Program for FY2019-FY2023 Submitted to City Council on January 29, 2018 – 2nd Reading

18.055 Resolution to Adopt the Capital Improvement Program for FY2019-FY2023 Submitted to City Council on January 29, 2018 – 2nd Reading

Councilor O'Donnell read the text of the resolution.

Councilor LaBarge moved to approve the resolution in second reading. Councilor Klein seconded.

Councilor Carney expressed regret for being absent at the first reading but said she had read the comments submitted.

She agrees with a need to look at connections between the resolution just passed and the history related by Ms. Sierra as a step in understanding possible sources of conflict from living in a militarized culture, she affirmed. That being said, she has been a city councilor for 12 years and served on the Public Safety Committee under two administrations (Chief Sienkiewicz and Mayor Higgins and Chief Kasper and Mayor Narkewicz). In addition, she has had the opportunity to not only attend regular meetings with the chief and other department members, but to sit in on interviews with officer candidates and to get to know the people who have become their employees. "They are our workers, and I am an advocate of workers and have been my entire adult life," she

volunteered. She is very concerned with providing city workers with a safe workplace and the necessities they need. She is satisfied with the letter from Chief Kasper about the necessity of police protective equipment for general safety. She looked up the OSHA General Duty Clause, and it states that employers shall furnish places of employment that are "free from recognized hazards that are causing or are likely to cause death or serious harm." They ask the people hired to put their lives on the line with hazardous materials, toxic chemicals, etc. Fortunately, they have not had an incident that required them to use some of their protective equipment and she hopes they won't. But, "I don't want our workers to be unprotected on the job, and I will support the capital improvement line for that equipment," she concluded.

There being no further comment, Councilor O'Donnell called for a roll call vote, and the motion to approve the resolution passed unanimously 9:0.

The following resolution passed second reading:

**City of Northampton
MASSACHUSETTS**

In City Council, March 1, 2018

Upon the recommendation of Mayor David J. Narkewicz

R-18.055

A RESOLUTION

To adopt the C.I.P. for FY2019 – FY2023
submitted to City Council on January 29, 2018

Resolved, that

The City Council hereby adopts the Capital Improvement Program FY2019-FY2023 submitted by the Mayor on January 29, 2018, in accordance with the Charter of Northampton, Massachusetts, Article 7 Finance and Fiscal Procedures, Section 7-5: Capital Improvement Program.

Rules suspended, passed two readings and enrolled.

Councilor Dwight asked to move agenda item 14 (c) 18.044B up on the agenda and to consider it before recessing. There being no objection, the council moved to consideration of 18.044B.

Financial Orders
(on 2nd Reading)

18.044B Order to
Appropriate
\$75,000 from
Free Cash for
Police Protective
Equipment and
Training - 2nd
Reading

Financial Orders (on 2nd Reading)

18.044B Order to Appropriate \$75,000 from Free Cash for Police Protective
Equipment and Training - 2nd Reading

Councilor Murphy moved to approve the order in second reading. Councilor LaBarge seconded.

Mayor Narkewicz was overheard at the last council meeting asking why if she voted yes for the appropriation last year she was not prepared to do so this time, Councilor Klein related. She would like to answer publicly, she stated, since she imagined other people might be wondering as well. That vote was taken not long after she spoke out on the steps of city hall against police brutality in connection with the failure of the courts to indict Darren Wilson, a white police officer in Ferguson, Missouri, for killing a person of

color. In response, members of the Northampton Police Department and the local police union called for her impeachment and made a lot of inaccurate and insulting comments about her publicly, misrepresenting her thoughts and beliefs about the police. Photos of female genitalia with the inscription "the latest picture of City Councilor Alisa Klein" were sent to local media outlets. It felt like intimidation and isolation, and these are very effective tools for silencing people and shutting down calls for justice and questions that threaten the status quo. Members of the public were vocal in their support and she is very grateful for that. She is grateful to members of the public again for supporting her tonight so that she no longer feels intimidated to ask questions that challenge the status quo related to funding for weapons, munitions and riot gear and that call for transparency about how tax dollars are being used in the name of public safety.

City councilors have been told by the police chief, mayor and some members of the council that they shouldn't hesitate to vote on this funding because it's what they've always done, and they should preserve the status quo. But what she is asking for and standing with members of the public in demanding is necessary movement away from the status quo. New policies and practices should be the business of this council; it is what indicates a healthy and forward-moving council, she opined. As elected officials, it is their job to know what every taxpayer cent is going toward. Their city is not really a target of what is called terrorism. Instead, she thinks they should put their time, attention and money into the issues of safety more commonly faced. The kind of safety we need is not achieved through increased munitions, a beefed-up police force and riot gear; people are mostly harmed through interpersonal violence in homes, self-abuse and drug overdoses, she asserted. These are things that need social service responses, not weaponry. When police become the agents for this type of potential harm, they often lead with their weapons; that is what they are trained to do. They are most often perceived as agents of the criminal justice system that disproportionately incarcerates people of color.

As a first step in answering the question of what kind of policing they want in this community, she thinks they should get answers to the questions heard from Dana Goldblatt and others, Councilor Klein continued. Not only do they need detailed information about the equipment being purchased, but they also need to hear about the policies and procedures around its deployment and use. She would like to refer the financial order to both the Finance Committee and City Services Committee for discussion or send it back to Chief Kasper for a detailed response to the questions posed.

Mayor Narkewicz was quoted in the Gazette as saying they don't need a citizen oversight and accountability board in Northampton because it is his job to oversee the policies and procedures of the NPD, Councilor Klein reported. However, they have mayoral commissions for all types of things in the city that advise the Mayor and relevant departments on respective issues, such as the Human Rights Commission, Disability Commission, Energy and Sustainability Commission, etc. Therefore, she sees no reason why they shouldn't have one for public safety. She hopes to move the conversation toward looking at that in the city so they can really have a conversation about what they want policing to look like. (Spontaneous applause broke out.)

Councilor LaBarge echoed Councilor Klein's request. In talking to people this week, she perceived a very noticeable division, she reported. She really does feel like some type of advisory committee is needed with the police department and the PVWC to allow residents to talk about how the police department should operate. The anger is just so noticeable. "I think we need to move in another direction here," she agreed.

Councilor Dwight pointed out that they are talking about two things: a budget line item and a larger issue which is a referendum on community attitudes toward policing. As he said before, he thinks a community discussion is appropriate. He doesn't think the mayor should call it, because if the mayor or city council defines it, it becomes theirs. Ideally, it should be a community discussion led by members of the community and not by the city council. He thinks what they've heard tonight definitely requires some participation and larger discussion; what comes from that they will see. He would ask the public to preside over that forum; not them. He would prefer that councilors attend as

participatory citizens rather than as a governing agency.

He understands the impetus for a more granular response, Councilor Dwight said. But, if they are going to do it here they should do it with other agencies, he suggested. A lot of capital improvement requests are anticipatory requests; departments making allowances for contingencies as they arise. He thinks it is not inappropriate to make the request but for him he does not think it is a qualifier to reverse his vote from last time.

Her request is to have the mayor designate a group, Councilor LaBarge clarified.

An appointed commission is still a protective layer from public input and discussion, Councilor Dwight pointed out. He would prefer to have a larger community conversation before establishing an advisory committee, he indicated.

Councilor Sciarra said she appreciates the heart-breaking and horrifying stories heard at the last meeting. She shares the concern about the misuse of equipment and power throughout the country and the world.

In terms of the gear, she hears two conflicting messages: i.e. - first, if the equipment is there, it's going to be used. If the hypothesis is that, if the police department has this gear, then it will be used against crowds and protestors and rally-goers, they've had decades of experience to test the validity of that hypothesis. The Northampton Police Department has had tactical equipment for decades and Northampton has had many, many protests, vigils, rallies, marches and large-scale events, and there has been no misuse or even use in that context. Where the equipment *has* been used is for tactical situations such as Councilor Carney mentioned.

The other thing she's heard is that this equipment hasn't even been used. Eighteen months ago she watched with her own eyes while NPD officers used some of these items just a few feet from her yard. Her neighbor had an active drug lab where he was creating substances that weren't easily identified. Various other agencies were called, including the hazmat response team and state police bomb squad, but it was the NPD that did the initial investigation and response. They did their job using necessary protective gear, and she wants that gear replaced. She's not going to vote against a recurring capital expense to replace equipment that's been used properly and used to protect city employees that the city requires to put themselves in dangerous situations to do their sworn duty to protect Northampton, Councilor Sciarra concluded.

She is not necessarily suggesting that everything in the request is something that is illegitimate or that she wouldn't necessarily support, Councilor Klein clarified. Regarding Councilor Dwight's comment that councilors don't get this type of detail for other requests, she does think there are particular sensitivities around the police request. The munitions that they've requested are things that could be used in ways that could be potentially harmful and that they have seen in other locations used particularly against people of color. She would never ask for that level of analysis from the DPW. But she does think they have to think differently about money appropriated for the purchase of riot gear and crowd control-type items. She expressed uncertainty about the process for proceeding; whether it is necessary to refer the order to committee for additional information or whether it is procedurally possible to send an order back for more information from the floor of the council.

The order is on the floor for a vote, so it could be referred, but he doesn't think there is a mechanism to send it back to the Mayor, Councilor O'Donnell said. It could be voted on, it could be continued, or it could be referred to a committee; those are the three basic options, he explained.

Councilor Nash said he is going to vote in favor of this funding but he does think they need to have a broader discussion. There is distrust and misinformation along with good information. The idea of some sort of study group was mentioned and he would be interested in seeing something like that move forward. They need to figure out a way to have that larger discussion apart from this single item, he proposed.

Councilors discussed the appropriate mechanism for achieving the goal of soliciting additional information from the mayor and police chief about the equipment request. Councilor Dwight said he thought a possible approach would be to ask for a continuance with a request for more information.

Councilor O'Donnell expressed his understanding that the motion is to continue to the next City Council meeting and at the same time make a request of the mayor and police chief to provide answers to questions about what is being purchased and what policies and procedures are in place around the requested items.

Councilor Dwight said he would second provided Councilor Klein comes up with her own list of requests as opposed to using the list provided by Ms. Goldblatt.

After additional discussion, Councilor O'Donnell called the motion to continue to a vote, and it failed 3 to 6 with Councilors Dwight, Klein and LaBarge in favor and Councilors Bidwell, Carney, Murphy, Nash, O'Donnell and Sciarra opposed.

Councilor O'Donnell called the motion to approve the order to a vote, and it passed on a roll call vote of 8 yes and 1 no (Councilor Klein opposed).

The following order passed second reading:

City of Northampton MASSACHUSETTS

In City Council

March 1, 2018

Upon recommendation of the Mayor

O-18.044B Order to Appropriate \$75,000 from Free Cash for Police Protective Equipment and Training

Ordered, that

Pursuant to the FY2019-FY2023 Capital Improvement Program, the following Capital Project be appropriated from the FY2018 General Fund Undesignated Fund Balance (Free Cash):

Police – Protective Equipment and Training	\$	75,000
TOTAL:	\$	75,000

Rules suspended, passed two readings and enrolled.

Recess for
Committee on
Finance Meeting

At 10:45 p.m. the City Council took a brief recess. When it reconvened at 10:54, it recessed for the Committee on Finance meeting. The Committee on Finance meeting adjourned at 11:14 p.m. The City Council reconvened at 11:15 p.m.

Financial Orders

Financial Orders

18.070 Order to
Establish Water
and Sewer Rates
for FY 2019

18.070 Order to Establish Water and Sewer Rates for FY 2019

Councilor O'Donnell read the text of the order.

Councilor Dwight moved to refer the order to set water and sewer rates to the Finance Committee for public hearing. Councilor LaBarge seconded. The motion passed unanimously 9:0 by voice vote. The public hearing will be held Tuesday, March 27th at 5 p.m.

18.028 Order To
Accept M.G.L.
Ch. 64N, Section
3 (A), Local
Option Sales Tax

18.028 Order To Accept M.G.L. Ch. 64N, Section 3 (A), Local Option Sales Tax On Marijuana Sales - 1st Reading

Councilor Murphy moved to approve the order in first reading. Councilor Dwight seconded.

On Marijuana
Sales - 1st
Reading

Councilor O'Donnell read the text of the order.

Councilor Dwight asked if Mayor Narkewicz had a realistic estimate of what this new revenue source will mean for the city.

He really doesn't, Mayor Narkewicz replied. It is a brand new industry and applications aren't even available until April 1st. Financial officers will have to make projections of revenue for FY 2019. He is thankful that the council is considering opting for the maximum local tax of 3%.

Councilor Dwight said he thought it was critical to point out that this is an opportunity to increase revenue for the community without further burdening property owners.

The motion passed unanimously by roll call vote 9:0.

See minutes of April 5, 2018 for second reading.

18.058 Order to
Waive Chapter
61A Right of
First Refusal at
508 Sylvester Rd

18.058 Order to Waive Chapter 61A Right of First Refusal at 508 Sylvester Road - 1st Reading

Councilor Murphy moved to approve the order in first reading. Councilor Dwight seconded. The motion passed unanimously 9:0 by roll call vote.

See minutes of April 5, 2018 for second reading.

18.059 Order to
Expand Parsons
Brook Greenway
with Land from
former Bill
Willard, Inc.

18.059 Order to Expand Parsons Brook Greenway with Land from former Bill Willard, Inc. Property - 1st Reading

Councilor LaBarge moved to approve the order in first reading. Councilor Dwight seconded. The motion passed unanimously 9:0 by roll call vote.

See minutes of April 5, 2018 for second reading.

18.060 Order to
Authorize North-
ampton School
Committee to
Accept Gift of
New Floor from
Jackson Street
School PTO

18.060 Order to Authorize Northampton School Committee to Accept Gift of New Floor from Jackson Street School PTO - 1st Reading

Councilor LaBarge moved to approve the order in first reading. Councilor Dwight seconded. The motion passed unanimously 9:0 by roll call vote.

See minutes of April 5, 2018 for second reading.

18.061 Order to
Reprogram River
Road Retaining
Wall Balance to
Paving Projects

18.061 Order to Reprogram River Road Retaining Wall Balance to Paving Projects - 1st Reading

Councilor Dwight moved to approve the order in first reading. Councilor Murphy seconded. The motion passed unanimously 9:0 by roll call vote.

See minutes of April 5, 2018 for second reading.

18.062 Order to
Authorize Pay-
ment of a Prior
Year Bill

18.062 Order to Authorize Payment of a Prior Year Bill - 1st Reading

Councilor LaBarge moved to approve the order in first reading. Councilor Dwight seconded. The motion passed unanimously 9:0 by roll call vote.

See minutes of April 5, 2018 for second reading.

Financial Orders

Financial Orders (on second reading)

18.030 Order to
Accept Easement

18.030 Order to Accept an Easement at Village Hill - 2nd Reading

at Village Hill –
2nd Reading

Councilor Bidwell moved to approve the order in second reading. Councilor Dwight seconded. The motion passed unanimously 9:0 by roll call vote.

The following order passed second reading:

City of Northampton

MASSACHUSETTS

In City Council, February 1, 2018

Upon the recommendation of the Office of Planning & Sustainability

18.030 Order to Accept an Easement at Village Hill

Ordered, that

WHEREAS, MassDevelopment/The Community Builders (now Hospital Hill, LLC) received a Special Permit for the master plan and redevelopment of the former Northampton State Hospital, permit originally dated September 19, 2002 with subsequent amendments;

WHEREAS, The special permit identified areas for permanent open space protection and public access to and through the open space from the developed portions of the property for the purposes of providing non-vehicular access from the city to the project area and across the project area north/south and east/west;

WHEREAS Each development project at the former Northampton State Hospital has included various links that created a connected network of pedestrian and bicycle trails through the project;

WHEREAS The City Council has accepted the other various sections of these pedestrian and bicycle links;

WHEREAS Kent Pecoy & Sons Construction, Inc received a permit for the subdivision of land and site plan approval on May 18, 2016 and it included the offer of all the public access easements as part of the development and in accordance with the original Special Permit granted for the redevelopment of the Northampton State Hospital to provide north/south and east/west connections as substantially shown on the attached map

Be it Ordered, that

The City Council accept the easements as shown and authorize the Mayor to sign the public access easements in order for them to be recorded permanently at the register of deeds.

Councilor Murphy suggested moving items B through M (18.044A, 18.045, 18.046, 18.047, 18.048, 18.049, 18.050, 18.051, 18.052, 18.053, 18.054) as a group with the council president simply reading the title and amount of each order, and other members consented. Councilor Dwight asked to have 18.048 removed from the group for separate discussion.

Councilor Dwight moved to approve the orders as a group in second reading. Councilor Bidwell seconded. The motion passed unanimously 9:0 by roll call vote.

The following orders passed second reading:

18.044A Order to
Appropriate
\$1.411 Million

18.044A Order to Appropriate \$1.411 Million from Free Cash for Various Capital
Projects - 2nd Reading

from Free Cash
for Various
Capital Projects-
2nd Reading

City of Northampton MASSACHUSETTS

In City Council

March 1, 2018

Upon recommendation of the Mayor

O-18.044A Order to Appropriate \$1.411 Million from Free Cash for Various Capital Projects

Ordered, that

Pursuant to the FY2019-FY2023 Capital Improvement Program, the following Capital Projects be appropriated from the FY2018 General Fund Undesignated Fund Balance (Free Cash):

City Clerk – Election Equipment Upgrade	\$ 84,725
Central Services - Academy of Music Stage Door Access	\$ 70,000
Central Services–Academy of Music Structural Repairs to Foundation	
	\$85,000
Central Services – Fire Station – Energy Management System	\$ 80,000
Information Technology Services – Replace Equipment	\$ 50,000
Information Technology Services – Replace Video System at Police Station	
	\$ 66,800
Planning and Sustainability – Fitzgerald Lake Dam Rehabilitation	
	\$ 45,000
Fire Rescue – Replacement of Turnout Gear	\$ 45,000
Fire Rescue – Refurbish Ladder	\$ 62,500
Northampton Public Schools – Security Camera Upgrade	\$ 30,000
Northampton Public Schools – Grounds Operations – New Truck	\$ 65,000
Northampton Public Schools – JFK Energy Management System Upgrades	
	\$ 100,000
Northampton Public Schools – JFK Exterior Façade Repairs	\$ 45,000
Northampton Public Schools – R.K. Finn Ryan Road School Bathroom Upgrade	
	\$ 150,000
Northampton Public Schools – Food Service Delivery Van	\$ 27,000
Northampton Public Schools – District-wide Electrical Upgrades for AC Units	
	\$ 75,000
Smith Vocational and Agricultural High School - Boilers Building A	
	\$ 105,000
DPW – Sidewalks	\$ 150,000
DPW – Clement Street Bridge	\$ 75,000
TOTAL:	\$ 1,411,024

Rules suspended, passed two readings and enrolled.

18.045 Order to
Appropriate
\$800,000 from
Capital Stabiliza-
tion for Capital
Projects - 2nd
Reading

18.045 Order to Appropriate \$800,000 from Capital Stabilization for Capital Projects - 2nd Reading

City of Northampton MASSACHUSETTS

In City Council

March 1, 2018

Upon recommendation of the Mayor

O-18.045 ORDER TO APPROPRIATE \$800,000 FROM CAPITAL STABILIZATION FOR CAPITAL PROJECTS

Ordered, that

Pursuant to the FY2019-FY2023 Capital Improvement Program, the following Capital Projects be appropriated from the Capital Stabilization Fund:

Fire Rescue – Upgrade Exhaust Systems	\$	125,000
Fire Rescue – Turnout Gear Replacement	\$	100,000
Public Safety Communication Center – Radio Hardware	\$	150,000
Information Technology Services – Northampton Public Schools 1:1 Chrome Books	\$	75,000
Northampton Public Schools – Leeds Elementary School Parking Lot Repaving	\$	140,000
Jackson Street Cafeteria Heating Repairs	\$	150,000
Smith Vocational and Agricultural School – Boilers Building A	\$	60,000
TOTAL:	\$	800,000

Rules suspended, passed two readings and enrolled.

18.046 Order to Appropriate \$132,000 from Parking Receipts Reserved for Parking Equipment and Pay by Plate Kiosks - 2nd Reading

18.046 Order to Appropriate \$132,000 from Parking Receipts Reserved for Parking Equipment and Pay by Plate Kiosks - 2nd Reading

City of Northampton
MASSACHUSETTS

In City Council

March 1, 2018

Upon recommendation of the Mayor

0-18.046 ORDER TO APPROPRIATE \$132,000 FROM PARKING RECEIPTS RESERVED FOR PARKING EQUIPMENT AND PAY BY PLATE KIOSKS

Ordered, that

Pursuant to the FY2019-FY2023 Capital Improvement Program, the following Capital Projects be appropriated from the Receipts Reserved for Appropriation – Parking:

Parking System – Four Additional Pay by Plate Kiosks	\$	44,000
Parking Equipment – Folding V Plow	\$	28,000
Parking Equipment – Bobcat Utility Vehicle	\$	60,000
TOTAL:	\$	132,000

Rules suspended, passed two readings and enrolled.

18.047 Order to Appropriate \$86,100 from PEG Access Fund for WAN Upgrade and Replacement Turnout Gear- 2nd Reading

18.047 Order to Appropriate \$86,100 from PEG Access Fund for WAN Upgrade - 2nd Reading

City of Northampton
MASSACHUSETTS

In City Council

March 1, 2018

Upon recommendation of the Mayor

O-18.047 ORDER TO APPROPRIATE \$86,100 FROM PEG ACCESS FUND FOR WAN UPGRADE

Ordered, that

Pursuant to the FY2019-FY2023 Capital Improvement Program, that \$86,100 be appropriated from the PEG Access and Cable Related Fund (Fund 2337) to Information Technology Services for upgrades to the Wide Area Network, specifically portions that serve City Departments, Northampton Public Schools, Fire Rescue, Police and the Public Safety Communication Center.

Rules suspended, passed two readings and enrolled.

18.049 Order to
Authorize
Borrowing
\$1,500,000 for
Paving Projects -
2nd Reading

18.049 Order to Authorize Borrowing \$1,500,000 for Paving Projects - 2nd Reading

CITY OF NORTHAMPTON
MASSACHUSETTS

In City Council,

March 1, 2018

Upon the recommendation of the Mayor

O-18.049 ORDER TO AUTHORIZE BORROWING \$1,500,000 FOR PAVING PROJECTS

Ordered, that

the sum of \$1,500,000 is appropriated to pay costs of roadway engineering, design and reconstruction, including the payment of all costs incidental or related thereto; that to meet such appropriation, the Treasurer with the approval of the Mayor is authorized to borrow such amount under M.G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; and that the Mayor is authorized to take any other action necessary or convenient to carry out this project. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Rules suspended, passed two readings and enrolled.

18.050 Order to
Authorize
Borrowing
\$500,000 for
DPW Cold
Storage Facility
- 2nd Reading

18.050 Order to Authorize Borrowing \$500,000 for DPW Cold Storage Facility - 2nd Reading

CITY OF NORTHAMPTON
MASSACHUSETTS

In City Council,

March 1, 2018

Upon the recommendation of the Mayor

O-18.050 ORDER TO AUTHORIZE BORROWING \$500,000 FOR DPW COLD STORAGE FACILITY

Ordered, that

the sum of \$500,000 is appropriated, in addition to the \$300,000 previously appropriated, to pay costs of constructing a Department of Public Works cold storage facility for vehicles and equipment, including the payment of all costs incidental or related thereto; that to meet such appropriation, the Treasurer with the approval of the Mayor is authorized to borrow such amount under M.G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; and that the Mayor is authorized to take any other action necessary or convenient to carry out this project. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Rules suspended, passed two readings and enrolled.

**18.051 Order to
Authorize
Borrowing
\$900,000 for
DPW Vehicles –
2nd Reading**

18.051 Order to Authorize Borrowing \$900,000 for DPW Vehicles - 2nd Reading

CITY OF NORTHAMPTON
MASSACHUSETTS

In City Council,

March 1, 2018

Upon the recommendation of the Mayor

O-18.051 ORDER TO AUTHORIZE BORROWING \$900,000 FOR DPW VEHICLES

Ordered, that

the sum of \$900,000 is appropriated to pay costs of purchasing various vehicles and equipment for the Department of Public Works, including the payment of all costs incidental or related thereto; that to meet such appropriation, the Treasurer with the approval of the Mayor is authorized to borrow such amount under M.G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; and that the Mayor is authorized to take any other action necessary or convenient to carry out this project. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Rules suspended, passed two readings and enrolled.

**18.052 Order to
Appropriate
\$50,000 from
Cemetery
Perpetual Care
for Cemetery
Projects – 2nd
Reading**

18.052 Order to Appropriate \$50,000 from Cemetery Perpetual Care for Cemetery Projects - 2nd Reading

City of Northampton
MASSACHUSETTS

In City Council

March 1, 2018

Upon recommendation of the Mayor

O-18.052 ORDER TO APPROPRIATE \$50,000 FROM CEMETERY PERPETUAL CARE FOR
CEMETERY PROJECTS

Ordered, that

Pursuant to the FY2019-FY2023 Capital Improvement Program, that \$50,000 be appropriated from the Cemetery Perpetual Care, to be used to fund restorative improvements to the cemeteries as identified in the Preservation Master Plans developed for Bridge Street Cemetery, West Farms Road Cemetery and Park Street Cemetery.

Rules suspended, passed two readings and enrolled.

18.053 Order to
Appropriate
Funds from
Cemetery
Perpetual Care
and Bates Tomb
Trust for Bates
Tomb Repairs-
2nd Reading

18.053 Order to Appropriate Funds from Cemetery Perpetual Care and Bates
Tomb Trust for Bates Tomb Repairs - 2nd Reading

City of Northampton
MASSACHUSETTS

In City Council

March 1, 2018

Upon recommendation of the Mayor

O-18.053 ORDER TO APPROPRIATE FUNDS FROM CEMETERY PERPETUAL CARE AND BATES
TOMB TRUST FOR BATES TOMB REPAIRS

Ordered, that

Pursuant to the FY2019-FY2023 Capital Improvement Program, that \$25,000 be appropriated from the Cemetery Perpetual Care, to be used to fund restorative improvements to the Bates Tomb at Bridge Street Cemetery and that another \$25,000 be appropriated from the Bates Tomb Trust Fund.

Rules suspended, passed two readings and enrolled.

18.054 Order to
Appropriate
\$34,263 from Dog
Fund for ACO
Van-2nd Reading

18.054 Order to Appropriate \$34,263 from Dog Fund for ACO Van - 2nd Reading

City of Northampton
MASSACHUSETTS

In City Council March 1, 2018

Upon recommendation of the Mayor

O-18.054 ORDER TO APPROPRIATE \$34,263 FROM DOG FUND FOR ACO VAN

Ordered, that

Pursuant to the FY2019-FY2023 Capital Improvement Program, that \$34,263 be appropriated from the Dog Fund (Fund 2314) to Police Department as partial funding for the replacement of the Animal Control Van.

Rules suspended, passed two readings and enrolled.

**18.048 Order to
Appropriate
\$150,000 from
Mayor's PILOT
Fund for 1:1
Chrome Books
for NPS Students**

18.048 Order to Appropriate \$150,000 from Mayor's PILOT Fund for 1:1 Chrome Books for Northampton Public School Students and Replacement Turnout Gear - 2nd Reading

A number of people have contacted him with concern about the chrome books Councilor Dwight reported. He did some research and found Google's influence on pedagogy and school curriculum 'a little disturbing.' He compared it to a marketing campaign formerly conducted by Apple consisting of attempts to increase sales by making Apple products ubiquitous. Google not only provides notebooks, but the city functions on the google cloud and city teachers, students and employees use google software and products. Google actually has proprietary ownership of a lot of information created in the course of using its systems. He asked if the mayor could address concerns about this commercial enterprise.

Mayor Narkewicz said he is aware of these concerns as IT Department staff have been talking to School Committee members about it. The city pays for google apps for government but google offers free google apps for educational institutions, and Northampton and Smith College both avail themselves of them. He agreed Google products are ubiquitous as a result of marketing to colleges, universities and secondary schools. Both of his daughters went to high schools and colleges where they were expected to work on these platforms, and they will probably get jobs where they will be expected to work on these platforms, he acknowledged. He doesn't have a good answer to the concern, he conceded. The Chrome book itself is a fairly standard device that is also manufactured by other companies.

Chrome is a google product, Councilor Dwight confirmed. What google is offering is a value but they don't do it out of altruism, he noted. It doesn't concern him to the extent of voting down the appropriation but he thinks it is worth noting.

The school already owns chrome books throughout its system; they just don't have enough devices for everyone, Mayor Narkewicz noted.

Councilor Dwight moved to approve the order in second reading. Councilor Sciarra seconded. The motion passed unanimously 9:0 by roll call vote.

The following order passed in second reading:

City of Northampton
MASSACHUSETTS

In City Council March 1, 2018

Upon recommendation of the Mayor

O-18.048 ORDER TO APPROPRIATE \$150,000 FROM MAYOR'S PILOT FUND FOR PURCHASE OF 1:1 CHROME BOOKS FOR NORTHAMPTON PUBLIC SCHOOL STUDENTS AND REPLACEMENT TURNOUT GEAR

Ordered, that

Pursuant to the FY2019-FY2023 Capital Improvement Program, that \$150,000 be appropriated from the Mayor's Payment in Lieu of Taxes Program (Fund 2526) for the following:

\$100,000 to Northampton Public Schools for the purchase of 1:1 Chrome Books for students

\$ 50,000 to the Fire Rescue Department for the purchase of replacement Turnout Gear

Rules suspended, passed two readings and enrolled.

Orders

18.021 Order for King Street Acceptance - 1st Reading

18.024 Order for Garfield Street Acceptance - 1st Reading

18.056 An Order to Accept M.G.L. Ch. 23M ("the PACE Act") - 1st Reading

Orders

18.021 Order for King Street Acceptance - 1st Reading

Councilor Murphy moved to approve the ordinance in first reading. Councilor Klein seconded The motion passed unanimously 9:0 by roll call vote.

See minutes of April 5, 2018 for second reading

18.024 Order for Garfield Street Acceptance - 1st Reading

Councilor Murphy moved to approve the ordinance in first reading. Councilor Klein seconded The motion passed unanimously 9:0 by roll call vote.

See minutes of April 5, 2018 for second reading

18.056 An Order to Accept M.G.L. Ch. 23M ("the PACE Act") - 1st Reading

Mrs. Krutzler informed members that the order is still pending before the Sustainability and Energy Commission. Chris Mason has informed her that members intend to approve the order but want to recommend amendments which they are planning to discuss at their next meeting on April 12th.

Councilor LaBarge moved to continue the order to the next meeting. Councilor Dwight seconded. The motion passed unanimously 9:0.

Ordinances (Not yet referred)

18.063 Ordinance to Rezone Parcels on Easthampton Road to Office Industrial (OI)
18.064 Ordinance

Ordinances (Not yet referred)

18.063 Ordinance to Rezone Parcels on Easthampton Road to Office Industrial (OI)

18.064 Ordinance to Eliminate Business Park Zoning in its Entirety from the Code

18.065 Ordinance to Rezone Conservation Areas to Farms Forest Rivers

to Eliminate BP
Zoning in its Entirety from Code
18.065 Ordinance
to Rezone
Conservation
Areas to Farms
Forest Rivers
18.066 Ordinance
to Rezone a
Portion of
Property from
URB to Office
Industrial (OI)
18.067 Ordinance
to Rezone Four
Residential
Properties on
Riverside Drive
from GI to URB
18.068 Ordinance
to Eliminate
Newspaper Legal
Notice Requirement for SPR
Projects
18.069 Ordinance
to Eliminate
Newspaper Legal
Notice Requirement for Projects
that Need CBA
Review
18.072 Ordinance
Relative to
Parking on
Hooker Avenue
18.073 Ordinance
Relative to
Parking on
Vernon Street

18.066 Ordinance to Rezone a Portion of Property from URB to Office Industrial

18.067 Ordinance to Rezone Four Residential Properties on Riverside Drive from General Industrial to URB

18.068 Ordinance to Eliminate Newspaper Legal Notice Requirement for Site Plan Review Projects

18.069 Ordinance to Eliminate Newspaper Legal Notice Requirement for Projects that Need Central Business Architecture Review

Councilor Murphy moved to send items A through G on the agenda to the Planning Board and Committee on Legislative Matters (18.063, 18.064, 18.065, 18.066, 18.067, 18.068 and 18.069) Councilor Dwight seconded.

Councilor Klein questioned whether the zoning measures should be referred to Community Resources as well. Councilor Dwight informed members there would be a joint meeting with the Planning Board and Legislative Matters.

Councilor O'Donnell asked Planning Director Wayne Feiden if there was any kind of unifying theme to the changes.

The amendments effectively accomplish removing the last of Business Park zoning from the Zoning Ordinance and otherwise generally 'clean things up,' he said.

Councilor O'Donnell called the motion to refer to a vote, and it passed unanimously 9:0 by voice vote.

18.072 Ordinance Relative to Parking on Hooker Avenue

18.073 Ordinance Relative to Parking on Vernon Street

Councilor Murphy moved to refer agenda items H and I (18.072 and 18.073) to the Transportation & Parking Commission and the Legislative Matters Committee. Councilor Dwight seconded. The motion passed unanimously 9:0 by voice vote.

Ordinances (on 1st Reading)

18.043 An Ordinance related to bicycling on sidewalks, defining multi-use trails, and regulating bike lanes

Ordinances (on 1st Reading)

18.043 An Ordinance related to bicycling on sidewalks, defining multi-use trails, and regulating bike lanes – 1st Reading

Councilor Dwight moved to approve the order in first reading. Councilor Carney seconded.

Right now, bicycling is not allowed on sidewalks in the downtown area or in Florence, Feiden reminded. There are a couple of places planners think it is okay to bicycle on sidewalks; i.e. where the bike path comes through the downtown area and coincides with the sidewalk in the roundhouse area and on Pleasant Street.

Second, councilors recently amended the ordinance to allow low speed bikes on the bike path. This amendment better defines low speed bikes. Finally, when the city hired Alta, consultants suggested that rather than having the city council designate bike lanes on a case by case basis, it would be simpler to just allow bike lanes to be designated by the physical creation of a separate lane for bikes by some combination of pavement markings or signage. The amendment also allows parking in bike lanes for short term special events.

17.265 An Ordinance Relative to Taxis and Vehicles for hire - 2nd reading

Councilor O'Donnell called the motion to a vote, and it passed unanimously 9:0 by roll call.

See minutes of April 5, 2018 for second reading.

17.265 An Ordinance Relative to Taxis and Vehicles for hire - 2nd reading

Councilor Dwight moved to approve the order in second reading. Councilor Carney seconded.

Councilor Dwight noted that Jeffrey Miller, the owner of Cosmic Cab Co. was present. It didn't come up in Legislative Matters, but one of the things he was unaware of was that the revised version of the ordinance changes liability insurance requirements for taxi companies. Mr. Miller has expressed a concern; i.e., that the requirements are actually much higher than surrounding communities and competitive systems and that this could be onerous. He had a conversation with the city solicitor and Councilor Sciarra. Attorney Seewald had expressed concern about the current rates because, by his account, they are not adequate.

When Councilor Dwight shared Mr. Miller's concern, Attorney Seewald said he didn't really have an objection to the city council adjusting the rates back to where they were originally. If increasing the rates represented an additional pressure that would reduce the ability for cabs to operate in the city, he wouldn't push back too hard, he indicated.

Councilor Sciarra said she didn't want it to be thought that insurance rates were not discussed in Legislative Matters. It was discussed in two separate meetings, she confirmed. She has since heard concerns from the trio of women who are here from Michael's house. If councilors create the situation where the rates are too high for them to utilize the service it would be ridiculous because one of the reasons members went back and made a change was because of concern about making transportation costs onerous. The solicitor very clearly stated that he felt that the insurance rates the city has are not sufficient. He has no problem with changing them but she just wants to make the reason the rates are at the amounts they are understood.

Councilor Bidwell asked if anybody had seen a financial analysis of the impact of the rates.

Mr. Miller raised his hand. Councilor Dwight moved to recognize Mr. Miller. Councilor Bidwell seconded. The motion passed unanimously 9:0 by voice vote.

Councilors asked what the additional cost of insurance would be with the higher liability requirements.

According to his insurance agent, he would have to go to Boston to obtain insurance, because agents in Western Mass. are too high. The minimum liability limit for bodily injury or death is currently \$100,000 per person and \$300,000 per incident. Lighthouse Insurance informs him that, if he could even find a carrier, the cost would be upwards of \$9,000 to \$10,000 annually per unit whereas it is now \$6,000 a unit.

Councilor O'Donnell expressed the opinion that the ordinance must go back to committee since this is a major change to make at the last minute. He personally can't make a decision at midnight about insurance rates for all taxis, he asserted.

Councilor Sciarra moved to send the ordinance to Legislative Matters for further review. Councilor Murphy seconded. The motion passed unanimously 9:0 by voice vote.

17.379 Ordinance Relative to Parking on Prospect Street – 2nd Reading

17.379 An Ordinance Relative to Parking on Prospect Street – 2nd Reading

Councilor Bidwell moved to approve the ordinance in second reading. Councilor Klein seconded. The motion passed unanimously 9:0 by roll call vote.

The following ordinance passed second reading:

**CITY OF NORTHAMPTON
MASSACHUSETTS**

In the Year Two Thousand and Seventeen
Upon the Recommendation of Councilor Ryan R. O'Donnell

**17.379
AN ORDINANCE**

RELATIVE TO PARKING ON PROSPECT STREET

An Ordinance of the City of Northampton, Massachusetts. Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

SECTION 1

That the § 312-102 of the Code of Ordinances be amended as follows:

§ 312-102 Schedule I: Parking Prohibited All Times.

<u>Prospect Street</u>	<u>Easterly</u>	<u>Jackson Street</u>	<u>A point 32 feet easterly of Murphy Terrace</u>
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That the § 312-104 of the Code of Ordinances be amended as follows:

§ 312-104 Schedule III: Limited-Time Parking.

<u>Prospect Street</u>	<u>Easterly</u>	<u>15 min./ 7:30 to 9:30 a.m. and 3:30 to 5:30 p.m. Monday-Friday</u>	<u>A point 112 feet westerly from Adare Place</u>	<u>A point 166 feet westerly from Adare Place</u>
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Rules suspended, passed two readings, ordained and enrolled.

Ordinances

18.027 Ordinance Relative to Zoning and Marijuana - 2nd Reading

18.033 Ordinance Relative to Zoning and Marijuana - 2nd Reading

18.034 Ordinance Relative to Zoning and Marijuana - 2nd Reading

18.035 Ordinance Relative to Zoning and Marijuana - 2nd Reading

Ordinances

18.027 An Ordinance Relative to Zoning and Marijuana - 2nd Reading

18.033 An Ordinance Relative to Zoning and Marijuana - 2nd Reading

18.034 An Ordinance Relative to Zoning and Marijuana - 2nd Reading

18.035 An Ordinance Relative to Zoning and Marijuana - 2nd Reading

Councilor Murphy moved to approve the four marijuana ordinances as a group. (18.027, 18.033, 18.034 and 18.035) Councilor Dwight seconded. The motion passed unanimously 9:0 by roll call vote.

The following ordinance passed second reading:

**CITY OF NORTHAMPTON
MASSACHUSETTS**

In the Year Two Thousand and Eighteen

Upon the Recommendation of the Mayor

18.027 An Ordinance Relative to Zoning and Marijuana

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended changing Chapter 350-2.1 Definitions to specify distinction between recreational and medicinal marijuana and marijuana production.

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts. Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

SECTION 1

Amend section 2.1 by adding and deleting text as shown

2.1 MEDICAL MARIJUANA, MEDICAL

Medical marijuana treatment center (MMTC) and registered marijuana dispensary (RMD), defined and regulated by ~~Massachusetts General Laws~~ St. 2012, c. 369 and the Massachusetts Department of Public Health regulations, 105 CMR 725.000 et seq and along with any related land use owned, controlled, or contracted by the MMTC where marijuana may be present. ~~Medical marijuana is a subset of medical uses and medical dispensaries and is allowed in any facilities where new physicians' offices and new dispensaries and pharmacies may be located (but not locations where medical uses and dispensaries are allowed only as a preexisting nonconforming use) and for any growing or processing without dispensaries in any industrial area.~~

MARIJUANA, PRODUCTION

Marijuana cultivating, growing and processing facilities, where marijuana plants are grown and marijuana products are manufactured and or tested, but not where sales to consumers are made.

MARIJUANA, RETAIL

Any facility in which a "marijuana retailer", as defined in 93A CMR 500.02, sells marijuana

Rules suspended, passed two readings, ordained and enrolled.

The following ordinance passed second reading:

CITY OF NORTHAMPTON MASSACHUSETTS

In the Year Two Thousand and Eighteen

Upon the Recommendation of the Mayor

18.033 An Ordinance Relative to Zoning and Marijuana

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by changing Chapter 350-9.2 & 9.3 to specify that retail and medical marijuana dispensaries and sales locations do not qualify for a Finding regarding changes to legally pre-existing, non-conforming uses.

Rationale:

Medical and retail marijuana operations generate many short term trips throughout any given day. Such high volume use can have substantial impacts within zoning districts where commercial uses generally, and marijuana retail and medical uses specifically are not allowed. Further, the City intends to direct medical and retail marijuana establishments within four core commercial areas where impacts can be mitigated; and those four commercial districts also allow complimentary uses whereby trips can be chained together to help offset high volume generation of such uses.

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts. Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

SECTION 1

Amend Chapter 350-9.2 by adding and deleting text as shown:

A. This Zoning Ordinance shall not apply to structures or uses lawfully in existence or lawfully begun, or to a valid building or special permit issued before the first publication of notice of the public hearing on this chapter or to any other exemptions in accordance with MGL c. 40A, § 6. The ordinance shall apply to any change or substantial extension of such use, to a building or special permit issued after the first notice of said public hearing, to any reconstruction, extension or structural change of such structure, and to any alteration of a structure begun after the first notice of said public hearing to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent. Notwithstanding the above, nothing in this section shall be construed to allow a change of a non-conforming use to a new, non-conforming medical or retail marijuana use.

SECTION 2

§ 350-9.3 Change, extension or alteration of legally preexisting nonconforming structures, uses, or lots. Legally preexisting nonconforming structures, uses, or lots may be changed, extended or altered as set forth below, except as noted in 9.2A above. If a use is not eligible under one subsection, proceed to the next subsection.

Rules suspended, passed two readings, ordained and enrolled.

The following ordinance passed second reading:

CITY OF NORTHAMPTON
MASSACHUSETTS

In the Year Two Thousand and Eighteen

Upon the Recommendation of the Mayor
18.034 An Ordinance Relative to Zoning and Marijuana

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended changing Chapter 350 Attachments 9, 10, 12 (EB, HB, CB) and Attachment 2 under GB column only to specify Retail Marijuana is allowed in these districts.

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts. Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

SECTION 1

Amend table in Attachments 9, 10, 12 under "Allowed Uses" as follows:
All retail, retail marijuana * wholesale and business sales and supply of goods and services...

(footnote) * No establishment shall be located within 200 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Building facades and property must be consistent with the character of the neighborhood, including such items as transparent storefront windows with a view into the interior of the building. Security measures must appear from outside of the building to be consistent with the character of the neighborhood.

SECTION 2

Amend table in Attachments 9, 10, 12 under "Allowed Uses" add new line:
Medical Marijuana * ✓ (under category for Site Plan Approval)

SECTION 3

Amend Attachment 2 table of Use Principal Uses by adding a new entry as Follows:

	GB	NB	M	BP
<u>Retail Marijuana</u> *	<u>A</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>
<u>Medical marijuana</u> SITE		<u>NO</u>	<u>NO</u>	<u>NO</u>

(footnote) * No establishment shall be located within 200 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Building facades and property must be consistent with the character of the neighborhood, including such items as transparent storefront windows with a view into the interior of the building. Security measures must appear from outside of the building to be consistent with the character of the neighborhood.

Rules suspended, passed two readings, ordained and enrolled.

The following ordinance passed second reading:

CITY OF NORTHAMPTON
MASSACHUSETTS

In the Year Two Thousand and Eighteen

Upon the Recommendation of the Mayor

18.035 An Ordinance Relative to Zoning and Marijuana

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended changing Chapter 350 Attachments 4, 5, 18, 24 (RR, SR, SC, WSP) to specify that outdoor cultivation of marijuana is allowed with Site Plan Approval.

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts. Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

SECTION 1

Amend Attachments 4, 5, 18, 24 under "Site Plan Approval Required for the Following". Add the following new bullet

- Open/outdoor Marijuana Cultivation. All security fencing that includes razor wire or other physical security measures that are not typically residential in character must be screened with vegetation so that it is not visible from public ways nor from other principal residential structures within 300'.
 - If a fence or other security structure is planned within a FEMA mapped floodplain, it must be shown to be engineered to withstand expected floodwaters or, it must be engineered to include a breakaway that opens during flood conditions.

Rules suspended, passed two readings, ordained and enrolled.

18.036 Ordinance to Amend HB Table of Use to Delete Commercial Storage
18.037 Ordinance to Reformat GI Table with Other Minor Changes
18.038 Ordinance to Reformat OI Table and Allow Flexible Reuse of Historic Mill Buildings

18.036 Ordinance to Amend HB Table of Use to Delete Commercial Storage - 2nd Reading

18.037 Ordinance to Reformat GI Table with Other Minor Changes - 2nd Reading

18.038 Ordinance to Reformat OI Table and Allow Flexible Reuse of Historic Mill Buildings - 2nd Reading

Councilor Carney moved to approve 18.036, 18.037 and 18.038 as a group. Councilor Murphy seconded. The motion passed unanimously 9:0 by roll call.

The following ordinance passed second reading:

CITY OF NORTHAMPTON
MASSACHUSETTS

In the Year Two Thousand and Eighteen

Upon the Recommendation of the Mayor and the Office of Planning & Sustainability

18.036 Ordinance to Amend HB Table of Use to Delete Commercial Storage

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended changing Chapter 350 Attachments 12 (HB) to delete self-storage as a stand-alone use allowed in the district.

An Ordinance of the City of Northampton, Massachusetts. Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

SECTION 1

Amend table in Attachment 12

~~Warehousing/Commercial storage as a principal use~~

Rules suspended, passed two readings, ordained and enrolled.

The following ordinance passed second reading:

CITY OF NORTHAMPTON
MASSACHUSETTS

In the Year Two Thousand and Eighteen

Upon the Recommendation of the Mayor and Office of Planning and Sustainability


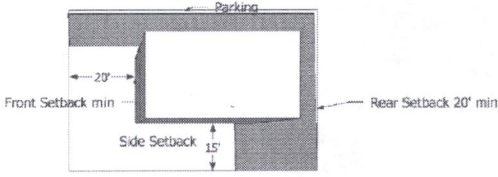
18.037 Ordinance to Reformat GI Table with Other Minor Changes

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by modifying 350 Attachment 15 of said code; to change to new format and simplifying installation of PV systems.

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts. Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

Delete Attachments 15 and replace with the following new Attachment 15:

GI- Industrial District	
Description:	Example Structures
Primarily manufacturing, back office, research and development, non-retail oriented business. Warehousing	
Lot Dimension Requirements	Layout Setbacks for all uses
Lot Size: 0' Frontage/width/depth: 0' Setbacks Front = 20' Min Sides = 15' Min Rear = 20' Min Max Height = 45' Open Space = 20%	
Site/parking lot landscaping:	See § 350-6.5 & 8.9 for additional landscaping, parking lot buffers to residential
Minimum Parking	See also §§ 350-8.2 through 350-8.11 for location, construction, and layout, requirements for parking lots and bicycle storage.

GI- USES ALLOWED

Uses Allowed By Right:

- All manufacturing
- Wholesale trade and distribution
- Non-retail sales and supply of goods/services
- Accessory uses to allowed uses: eating facilities, and retail sales, when not more than 10% of the gross floor area is devoted to sales and sales are limited to goods produced or distributed by the principal use
- Research and development
- ~~Trades~~
- ~~Industrial warehousing not associated with or accessory to another use up to maximum 25,000 sf (no retail storage allowed)~~
- Non-medical office/ corporate back office, not including banks & law offices, or real estate offices
- Motor freight terminal/warehousing associated with adjacent commercial/industrial uses
- Artist's space (nonresident).
- Single or multimodal passenger terminal, yards and rail freight service
- Temporary event
- Facilities for essential services, municipal facility
- Educational, religious use, day-care, school-aged child-care program (MGL c. 28A, § 9), family daycare (with registration with Building Commissioner), historical association, and nonprofit museum (residence of a caretaker above first floor only), agricultural uses
- Land and or work within WSP-O
 - Lot size: 40,000 square feet
 - Frontage/width: 120 feet
 - Depth: 140 feet
 - Setbacks: Front: 20 feet Side: 15 feet Rear: 20 feet
 - Maximum height: 45 feet
 - Open space: 85%
- Private bridge, tunnel
- Rooftop solar hot water and photovoltaic
- Solar photovoltaic of any size, ground-mounted over any legal parking lot or driveway;
- Marijuana growing facility (no sales) production

Site Plan Approval required for the following:

- Contractor's yard, open storage of raw materials, finished goods, or construction equipment and structures for storing such equipment, provided that outside storage areas shall be screened from outside view
- Commercial or public parking lot or structure,
- Parking lot creation or expansion of more than 6 spaces, passenger terminal
- Telecommunication antennas on existing towers or other structures which do not require the construction of a new tower (in accordance with § 350-10.9)
- New commercial structures or substantial improvements in FP, meeting all requirements under the State Building Code, Wetlands Protection Act, and City ordinances
 - 1. Lot size: 40,000 square feet
 - 2. Frontage/width: 120 feet
 - 3. Depth: 140 feet
 - 4. Setbacks: Front: 20 feet Side: 15 feet Rear: 20 feet
 - 5. Maximum height: 45 feet
 - 6. Open space: 85%
- ~~Solar photovoltaic of any size, ground-mounted:~~
 - ~~1. Over any legal parking lot or driveway;~~
 - ~~2. At any landfill site not separate from the site assigned property by any road; and~~
 - ~~3. At an airport not separated from the runways by any road~~

- ~~Reuse of an historic educational or religious building for any residential use on the ground floor or any other commercial use not otherwise allowed in the district, provided that such use is within the footprint of the existing building. The existing building may be expanded to accommodate elevators and stairwells, provided that all historically contributing portions of the building are retained and covered with an historic preservation restriction granted to the City of Northampton in a form acceptable to the Planning Board, with input from the Historical Commission as preserving the key character-defining features visible from the road (and not necessarily meeting federal or state preservation standards for the entire building). Portions of the building that are not part of the original architecture of the building and which do not contribute to the historical or architectural significance of the building as determined by the Planning Board, with input from the Historical Commission, may be demolished.~~
- Parking requirement reduction. See § 350-8.10F.
- Private Utility, substation or district utility, small scale hydro electric generation or ground mounted PV array of any size, including accessory PV (buffers to residential districts abutting site shall be incorporated). PV installations must be maintained in good condition with painting, structural repairs and security maintained and facilities no longer being used dismantled within 90 days.
- Telecommunication antennas (cellular phone) located on existing telecommunications towers or other structures which do not require the construction of a new tower (in accordance with § 350-10.9)
- Commercial motor vehicle maintenance, garaging and parking facilities (Outside parking shall be screened from public view.)
-

Special Permit Approval required for the following uses by Planning Board unless otherwise noted:

- New telecommunications structures/facilities (in accordance with §§ 350-2.1 and 350-10.9)
- Membership club (for profit or nonprofit)/ health athletic club indoor recreation, community center
- Heavy public use. See § 350-10.7. —City Council Special Permit
- Accessory solar photovoltaic ground-mounted on a parcel with any building or use, provided that the PV is sized to generate no more than 200% of the annual projected electric use of the non-PV building or use
- Auto repair (no gas sales), junk cars, motor vehicle accessories, scrap metal, liquid storage (other than water)
- Access to parking over residential lot, see § 350-8.
- Bus passenger terminal and taxi facilities, heliport
- ~~Accessory solar photovoltaic ground-mounted on a parcel with any building or use, between 8 KW or over 100% but no more than 200% of the annual projected electric use of the non-PV building or use~~
- Processing and treating of raw materials, including operations appurtenant to the taking, such as grading, drying, sorting, crushing, grinding and milling operations Removal of sand, gravel, quarry, or other raw material. See § 350-10.3.
- Storage of a fluid other than water (as principal use)

Rules suspended, passed two readings, ordained and enrolled.

The following ordinance passed second reading:

**CITY OF NORTHAMPTON
MASSACHUSETTS**

In the Year Two Thousand and Eighteen

Upon the Recommendation of the Mayor and Office of Planning and Sustainability

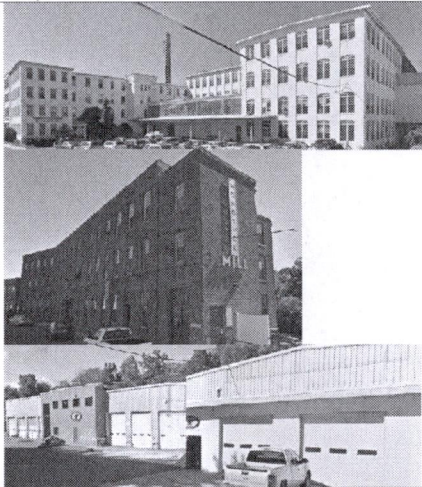
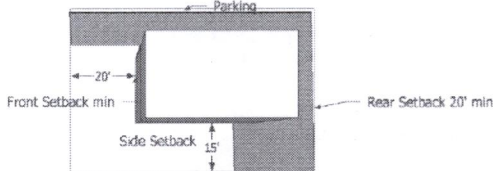
18.038 Ordinance to Reformat OI Table and Allow Flexible Reuse of Historic Mill Buildings

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by modifying 350 Attachment 16 of said code, to allow more flexibility for the reuse of existing historic mill buildings and to reformat section, allow marijuana production and self storage.

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts. Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

Delete Attachment 16 and replace it with the following attached

OI-Office Industrial District	
Description:	Example Structures
Primarily back office, manufacturing, research and development, non-retail oriented business. Flexible reuse of historic mill buildings.	
Lot Dimension Requirements	Layout Setbacks for all uses
Lot Size: O' Frontage/width/depth: O' Setbacks Front = 20' Min Side = 15' Min Rear = 20' Min Max Height = 45' Open Space = 20%	
Site/parking lot landscaping:	See § 350-6.5 & 8.9 for additional landscaping, parking lot buffers to residential
Minimum Parking	For buildings built prior to 1999, no additional parking required for the reuse of buildings. Parking calculated only for expansion of footprint. Other buildings, in accordance with Table in § 350-8.2, based on use. See also §§ 350-8.2 through 350-8.11 for location, construction, and layout, requirements for parking lots and bicycle storage. 1 space per 1,000 ft ² Gross Living Area (round up). No more than 2 spaces required per unit.

OI USES ALLOWED

Uses Allowed By Right:

- All manufacturing
- Wholesale trade and distribution
- Non-retail sales and supply of goods/services
- Accessory uses to allowed uses: eating facilities, and retail sales, when not more than 10% of the gross floor area is devoted to sales and sales are limited to goods produced or distributed by the principal use
- Research and development
- Trades
- ~~Any residential use only above the first floor~~
- ~~Within buildings built prior to 1939: Restaurants, entertainment, commercial recreation, health/athletic club, retail, banking, repair services, community center~~
- Medical office allowed only in: 1. Buildings with medical use in existence as of January 1, 2010; or 2. Up to ~~40~~50% of any building built prior to 1939
- Any other office, except banks
- ~~Repair services for up to 20% of any building built prior to 1939~~
- Artist's space (nonresidential)
- Mixed residential/work space with all residential use above the first floor
- Single or multimodal passenger terminal, yards and rail freight service
- Marijuana production
- Temporary event
- Facilities for essential services, municipal facility
- Educational, religious use, day-care, school-aged child-care program (MGL c. 28A, § 9), family daycare (with registration with Building Commissioner), historical association, and nonprofit museum (residence of a caretaker above first floor only), agricultural uses
- Land and or work within WSP-O
 - Lot size: 40,000 square feet
 - Frontage/width: 120 feet
 - Depth: 140 feet
 - Setbacks: Front: 20 feet Side: 15 feet Rear: 20 feet
 - Maximum height: 45 feet
 - Open space: 85%
- Rooftop solar hot water and photovoltaic
- Solar photovoltaic of any size, ground-mounted over any legal parking lot or driveway;

Site Plan Approval required for the following:

- Contractor's yard, open storage of raw materials, finished goods, or construction equipment and structures for storing such equipment, provided that outside storage areas shall be screened from outside view
- Commercial or public parking lot or structure,
- Parking lot expansion of more than 6 spaces, passenger terminal
- Telecommunication antennas on existing towers or other structures which do not require the construction of a new tower (in accordance with § 350-10.9)
- Private bridge, tunnel
- New commercial structures or substantial improvements in FP, meeting all requirements under the State Building Code, Wetlands Protection Act, and City ordinances
 1. Lot size: 40,000 square feet
 2. Frontage/width: 120 feet
 3. Depth: 140 feet
 4. Setbacks: Front: 20 feet Side: 15 feet Rear: 20 feet
 5. Maximum height: 45 feet

6. Open space: 85%

- ~~• Solar photovoltaic of any size, ground-mounted:~~
 - ~~1. Over any legal parking lot or driveway;~~
 - ~~2. At any landfill site not separate from the site-adjacent property by any road; and~~
 - ~~3. At an airport not separated from the runways by any road.~~
- Reuse of an historic educational or religious building for any residential use on the ground floor or any other commercial use not otherwise allowed in the district, provided that such use is within the footprint of the existing building. The existing building may be expanded to accommodate elevators and stairwells, provided that all historically contributing portions of the building are retained and covered with an historic preservation restriction granted to the City of Northampton in a form acceptable to the Planning Board, with input from the Historical Commission, as preserving the key character-defining features visible from the road (and not necessarily meeting federal or state preservation standards for the entire building). Portions of the building that are not part of the original architecture of the building and which do not contribute to the historical or architectural significance of the building as determined by the Planning Board, with input from the Historical Commission, may be demolished.
- Creation or expansion of six or more parking spaces.
- Parking requirement reduction. See § 350-8.10F.
- Private Utility, substation or district utility, small scale hydro electric generation or ground mounted PV array of any size, including accessory PV (buffers to residential districts abutting site shall be incorporated).
- Telecommunication antennas (cellular phone) located on existing telecommunications towers or other structures which do not require the construction of a new tower (in accordance with § 350-10.9)
- Warehousing/Commercial storage as a principal use. New buildings must be thickly screened from the road with vegetation.

Special Permit Approval required for the following uses by Planning Board unless otherwise noted:

- New telecommunications structures/facilities (in accordance with §§ 350-2.1 and 350-10.9)
- Membership club (for profit or nonprofit)
- ~~• Restaurant (excluding drive-through establishment) up to maximum 1,500 square feet per building~~
- Heavy public use. See § 350-10.7. —City Council Special Permit
- Accessory solar photovoltaic ground-mounted on a parcel with any building or use, provided that the PV is sized to generate no more than 200% of the annual projected electric use of the non-PV building or use
- Auto repair (no gas sales), junk cars, motor vehicle accessories, scrap metal, liquid storage (other than water)
- Access to parking over residential lot, see § 350-8.
- Bus passenger terminal and taxi facilities
- Motor freight terminal/warehousing associated with adjacent commercial/industrial uses
- Commercial motor vehicle maintenance, garaging and parking facilities (Outside parking shall be screened from public view.)
- ~~• Accessory solar photovoltaic ground-mounted on a parcel with any building or use, between 8 KW or over 100% but no more than 200% of the annual projected electric use of the non-PV building or use~~

Rules suspended, passed two readings, ordained and enrolled.

Information Requests (Charter Provision 2-7) and Information Study Requests

Information Requests (Charter Provision 2-7) and Information Study Requests

None

Motion to Adjourn

At 12:01 p.m., a motion to adjourn was made by Councilor Dwight and seconded by Councilor Murphy. The motion passed on a voice vote of 9 Yes, 0 No.

Attest: Laura Krutzler, Administrative Assistant to the City Council

2018 - 2019 ROLL CALL RECORD FOR NORTHAMPTON CITY COUNCIL											
Record of City Council Votes for March 15, 2018		Bidwell	Carney	Dwight	Klein	LaBarge	Murphy	Nash	O'Donnell	Sciarra	Total
Roll Call by Laura Krutzler, Administrative Assistant to the to the City Council @ 8:33 p.m.		Present	Present	Present	Present	Present	Present	Present	Present	Present	9 Present, 0 Absent
18.031 Resolution calling for President Trump and his administration to preserve DACA and to extend Temporary Protected Status (TPS) for all nationals who cannot safely return to their home countries	2nd Reading	Yes	Yes	Motion to Approve Yes	Yes	Yes	Yes	Second Yes	Yes	Yes	Motion Carried 9 Yes, 0 No
18.055 Resolution to Adopt the Capital Improvement Program for FY2019-FY2023 Submitted to City Council on January 29, 2018	2nd Reading	Yes	Yes	Yes	Second Yes	Motion to Approve Yes	Yes	Yes	Yes	Yes	Motion Carried 9 Yes, 0 No
18.028 Order To Accept M.G.L. Ch. 64N, Section 3 (A), Local Option Sales Tax On Marijuana Sales	1st Reading	Yes	Yes	Second Yes	Yes	Yes	Motion to Approve Yes	Yes	Yes	Yes	Motion Carried 9 Yes, 0 No
18.058 Order to Waive Chapter 61A Right of First Refusal at 508 Sylvester Road	1st Reading	Yes	Yes	Second Yes	Yes	Yes	Motion to Approve Yes	Yes	Yes	Yes	Motion Carried 9 Yes, 0 No
18.059 Order to Expand Parsons Brook Greenway with Land from former Bill Willard, Inc. Property	1st Reading	Yes	Yes	Second Yes	Yes	Motion to Approve Yes	Yes	Yes	Yes	Yes	Motion Carried 9 Yes, 0 No
18.060 Order to Authorize Northampton School Committee to Accept Gift of New Floor from Jackson Street School PTO	1st Reading	Yes	Yes	Second Yes	Yes	Motion to Approve Yes	Yes	Yes	Yes	Yes	Motion Carried 9 Yes, 0 No
18.061 Order to Reprogram River Road Retaining Wall Balance to Paving Projects	1st Reading	Yes	Yes	Motion to Approve Yes	Yes	Yes	Second Yes	Yes	Yes	Yes	Motion Carried 9 Yes, 0 No
18.062 Order to Authorize Payment of a Prior Year Bill	1st Reading	Yes	Yes	Second Yes	Yes	Motion to Approve Yes	Yes	Yes	Yes	Yes	Motion Carried 9 Yes, 0 No
18.030 Order to Accept an Easement at Village Hill	2nd Reading	Motion to Approve Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	Yes	Motion Carried 9 Yes, 0 No
18.044B Order to Appropriate \$75,000 from Free Cash for Police Protective Equipment and Training	2nd Reading	Yes	Yes	Yes	No	Second Yes	Motion to Approve Yes	Yes	Yes	Yes	Motion Carried 8 Yes, 1 No

Record of City Council Votes for March 15, 2018		Bidwell	Carney	Dwight	Klein	LaBarge	Murphy	Nash	O'Donnell	Sciarra	Total
18.044A Order to Appropriate \$1.411 Million from Free Cash for Various Capital Projects	2nd Reading Moved as a group.	Motion to Move 18.044A, 18.045, 18.046, 18.047, 18.049, 18.050, 18.051, 18.052, 18.053, 18.054 as a group made by Councilor Dwight; Councilor Bidwell seconded the motion.									
18.045 Order to Appropriate \$800,000 from Capital Stabilization for Capital Projects		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Motion Carried 9 Yes, 0 No
18.046 Order to Appropriate \$132,000 from Parking Receipts Reserved for Parking Equipment and Pay by Plate Kiosks											
18.047 Order to Appropriate \$86,100 from PEG Access Fund for WAN Upgrade											
18.049 Order to Authorize Borrowing \$1,500,000 for Paving Projects											
18.050 Order to Authorize Borrowing \$500,000 for DPW Cold Storage Facility											
18.051 Order to Authorize Borrowing \$900,000 for DPW Vehicles											
18.052 Order to Appropriate \$50,000 from Cemetery Perpetual Care for Cemetery Projects											
18.053 Order to Appropriate Funds from Cemetery Perpetual Care and Bates Tomb Trust for Bates Tomb Repairs											
18.054 Order to Appropriate \$34,263 from Dog Fund for ACO Van											
18.048 Order to Appropriate \$150,000 from Mayor's PILOT Fund for 1:1 Chrome Books for Northampton Public School Students and Replacement Turnout Gear	2nd Reading	Yes	Yes	Motion to Approve Yes	Yes	Yes	Yes	Yes	Yes	Second Yes	Motion Carried 9 Yes, 0 No
18.021 Order for King Street Acceptance	1st Reading	Yes	Yes	Yes	Second Yes	Yes	Motion to Approve Yes	Yes	Yes	Yes	Motion Carried 9 Yes, 0 No
18.024 Order for Garfield Street Acceptance	1st Reading	Yes	Yes	Yes	Second Yes	Yes	Motion to Approve Yes	Yes	Yes	Yes	Motion Carried 9 Yes, 0 No
18.043 An Ordinance related to bicycling on sidewalks, defining multi-use trails, and regulating bike lane	1st Reading	Yes	Second Yes	Motion to Approve Yes	Yes	Yes	Yes	Yes	Yes	Yes	Motion Carried 9 Yes, 0 No

Record of City Council Votes for March 15, 2018		Bidwell	Carney	Dwight	Klein	LaBarge	Murphy	Nash	O'Donnell	Sciarra	Total
17.379 An Ordinance Relative to Parking on Prospect Street	2nd Reading	Motion to Approve Yes	Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	Motion Carried 9 Yes, 0 No
18.027 , 18.033, 18.034, 18.035, Ordinances Relative to Zoning and Marijuana	2nd Reading as a group	Yes	Yes	Second Yes	Yes	Yes	Motion to Approve as a group Yes	Yes	Yes	Yes	Motion Carried 9 Yes, 0 No
18.036 Ordinance to Amend HB Table of Use to Delete Commercial Storage	2nd Reading as a group	Yes	Motion to Approve as a group Yes	Yes	Yes	Yes	Second Yes	Yes	Yes	Yes	Motion Carried 9 Yes, 0 No
18.037 Ordinance to Reformat GI Table with Other Minor Changes											
18.038 Ordinance to Reformat OI Table and Allow Flexible Reuse of Historic Mill Buildings											

At 12:01 a.m. Councilor Dwight moved to adjourn the meeting; Councilor Murphy seconded the motion. The motion was approved on a voice vote of 9 Yes, 0 No.

Recorded by: Laura Krutzler, Administrative Assistant to the City Council